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10 UNITED STATES DISTRICT COURT
11 DISTRICT OF NEVADA

12 ***

13 UNITED STATES OF AMERICA,)
14) 2:17-cr-00306-JCM-PAL
15 Plaintiff,)
16)
17 v.) STIPULATION TO CONTINUE
18) HEARING AS TO DEFENDANT
19 MARKO LEOPARD,) LEOPARDS' CASE MANAGEMENT
20) STATEMENT [ECF NO. 437]
21 Defendant.) (First Request)
22)

23 IT IS HEREBY STIPULATED by and between Dayle Elieson, United States Attorney,
24 and Chad W. McHenry, Trial Attorney, Organized Crime and Gang Section, Department of
25 Justice Criminal Division, Counsel for the United States of America; and Angela H. Dows, Esq.,
26 counsel for MARKO LEOPARD, that the hearing as to Defendant Leopard's Case Management
27 Statement, scheduled for November 20, 2018 at 10:30 a.m. be continued to between November
28 27 and 30, 2018, or to a date and time to be set by this Honorable Court. This is the first request
for a continuance in this case. This Stipulation is entered into based upon the following:

1. Defense counsel will be traveling for the Thanksgiving holiday, and will be out of the state on the November 20, 2018 current hearing date, and until/including November 26, 2018;
2. Counsel has conferred with her client, Defendant MARKO LEOPARD, who is

incarcerated pending trial, and does not object to the brief continuance;

3. Counsel for the Government is requesting between November 27 and 30, 2018, or before November 30, 2018 for the continued hearing date as counsel for the Government will be out of the state for work detail after November 30, 2018. Government counsel notes that if the Court would prefer to set the hearing after November 30, 2018, the Government will make arrangements to ensure said hearing date is covered by counsel for the Government.

4. Pursuant to 18 U.S.C. § 3161(h)(1)(D), and by analogy if this is construed as any delay resulting from any pretrial motion, the date from the filing of the motion through the conclusion of the hearing on, or other prompt disposition of such motion is excluded in computing the time within which the trial of any such offense must commence;

5. The additional time requested by this stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, specifically 18 U.S.C. § 3161(h)(1)(D), (h)(7)(A) and (h)(7)(B)(i). Denial of this brief request for continuance would result in a miscarriage of justice, taking into account the exercise of due diligence.

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1 6. For all the above-stated reasons, the ends of justice would best be served by a
2 brief continuance of the hearing on Defendant LEOPARD's Case Management
3 Statement.

4 DATED this 14th day of November, 2018.

5 DAYLE ELIESON
6 United States Attorney
7 By: /s/ Chad W. McHenry
8 CHAD W. MCHENRY

9 Trial Attorney
10 Organized Crime and Gang Section
11 Department of Justice, Criminal Division
12 Counsel for Plaintiff

PREMIER LEGAL GROUP
By: /s/ Angela H. Dows
ANGELA H. DOWS, ESQ.
Appointed Counsel for
MARKO LEOPARD

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)	
)	Case No.: 2:17-cr-306-JCM-PAL
Plaintiff,)	
)	
v.)	<u>FINDINGS OF FACT, CONCLUSIONS</u>
)	<u>OF LAW, AND ORDER THEREON</u>
MARKO LEOPARD,)	
)	
Defendant.)	
)	

FINDINGS OF FACT

Based on the pending Stipulation of the parties, and good cause appearing therefore, the Court finds that:

1. Counsel for Defendant LEOPARD will be out of the state for the current November 20, 2018 hearing on Defendant LEOPARD's Case Management Statement.
2. Counsel for Defendant LEOPARD and the Government are available between November 27 and 30, 2018.
3. Defendant MARKO LEOPARD does not object to the brief continuance.
4. For the reasons stated above, and to the extent applicable under the Speedy Trial Act, the ends of justice would best be served by a continuance of the hearing on Mr. Leopard's Case Management Statement.

CONCLUSIONS OF LAW


1. To the extent applicable, the additional time requested by this stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, specifically 18 U.S.C. § 3161(h)(1)(D), (h)(7)(A) and (h)(7)(B)(i).
2. For the above-stated reasons, the ends of justice would best be served by a brief

1 continuance of the November 20, 2018 hearing date, and, if applicable, such continuance
2 outweighs the best interests of the public and the defendants in a speedy trial.

3 **ORDER**

4 IT IS THEREFORE ORDERED that the hearing as to Defendant Leopard's Case
5 Management Statement [ECF No. 432] currently scheduled for November 20, 2018 be vacated
6 and continued to November 29, 2018 at the hour of 9:30 a.m.

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8 DATED this 16th day of November, 2018.

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11 HONORABLE PEGGY LEEN
12 UNITED STATES MAGISTRATE JUDGE
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